

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|-------------------------------|---|-----------------------|
| ACORDA THERAPEUTICS, INC. and |) | |
| ALKERMES PHARMA IRELAND |) | |
| LIMITED, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | C.A. No. 14-932 (LPS) |
| |) | |
| ACCORD HEALTHCARE, INC., |) | |
| |) | |
| Defendant. |) | |

CONSENT JUDGMENT

WHEREAS, this action for patent infringement has been brought by Plaintiffs Acorda Therapeutics, Inc. and Alkermes Pharma Ireland Limited (collectively, “Acorda”) against Defendants Accord Health Care, Inc. and Intas Pharmaceuticals Limited (collectively, “Accord”) for infringement of United States Patent Nos. 5,540,938, 8,007,826, 8,354,437, 8,440,703, and 8,663,685 (the “Patents” and such action, the “Litigation”); and

WHEREAS, the parties in the Litigation have entered into a good faith final settlement agreement dated on or about August 11, 2016 to fully settle the Litigation (the “Settlement Agreement”);

The Court, upon the consent and request of the parties in the Litigation, hereby acknowledges the following Consent Judgment and, upon due consideration, issues the following Order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Subject matter jurisdiction, personal jurisdiction, and venue are all proper in this Court.

2. The Patents are enforceable and valid.

3. Accord has infringed the Patents pursuant to 35 U.S.C. § 271(e)(2) by filing Abbreviated New Drug Application No. 206863.

4. Except as and to the extent permitted by the Settlement Agreement, Accord and its Affiliates, including any of its successors and assigns, is enjoined from making, having made, using, selling, offering to sell, importing or distributing any dalfampridine product pursuant to Abbreviated New Drug Application 206863, either directly or indirectly, on its own part or through any Affiliate, officer, agent, servant, employee or attorney, or through any person in concert or coordination with Accord or any of its Affiliates, until the license to the Patents provided in the Settlement Agreement becomes effective as set forth in the Settlement Agreement.

5. For purposes of this Consent Judgment, the term “Affiliate” shall have the meaning set forth in the Settlement Agreement.

6. Except to the extent set forth above and in the Settlement Agreement all claims and counterclaims, affirmative defenses and demands of the Parties in this action are hereby dismissed with prejudice and without costs, disbursements, or attorneys’ fees, to any Party.

7. The Parties each expressly waive any right to appeal or otherwise move for relief from this Consent Judgment.

8. Compliance with this Consent Judgment may be enforced by the Parties and their successors in interest, or assigns, as permitted by the terms of the Settlement Agreement.

9. This Court retains jurisdiction over the Parties for purposes of enforcing this Consent Judgment as well as any dispute regarding the Settlement Agreement.

10. The Clerk of the Court is directed to enter this Consent Judgment and Order forthwith.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

PHILLIPS, GOLDMAN, McLAUGHLIN & HALL, P.A.

/s/ Jeremy A. Tigan

Jack B. Blumenfeld (#1014)
Maryellen Noreika (#3208)
Jeremy A. Tigan (#5239)
Stephen J. Kraftschik #5623)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
jblumenfeld@mnat.com
mnoreika@mnat.com
jtigan@mnat.com
skraftschik@mnat.com

Aaron Stiefel
Daniel P. DiNapoli
KAYE SCHOLER LLP
250 West 55th Street
New York, NY 10019-9710
(212) 836-8000

Sylvia M. Becker
KAYE SCHOLER LLP
The McPherson Building
901 Fifteenth Street, NW
Washington, DC 20005-2327
(202) 683-3500

Counsel for Plaintiffs

August 16, 2016
10309340

/s/ Megan C. Haney

John C. Phillips, Jr. (#110)
Megan C. Haney (#5016)
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200
jcp@pgslaw.com
mch@pgslaw.com

Sailesh K. Patel
Imron T. Aly
George Yu
SCHIFF HARDIN LLP
233 South Wacker Drive, Suite 6600
Chicago, IL 60606
(312) 258-5500

Counsel for Defendant

SO ORDERED this ____ day of _____, 2016.

CHIEF, UNITED STATES DISTRICT JUDGE